

Nays—5.

Faubion.	Lipscomb.
Harper.	Paulus.
Hicks.	

Absent.

Davidson of	Morris.
Galveston.	Stafford.
Hale.	Wilson.
Harbison.	

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has appointed the following on part of the House to adjust difference between the House and Senate to Substitute House bill No. 1:

Messrs. Boyd, Schluter, Weinert, Low and Connally.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SIMPLE RESOLUTION.

Senator Henderson offered the following resolution:

Be it resolved by the Senate, that the Conference Committee on part of the Senate on the Appropriation bill be and is hereby requested to itemize all appropriations.

The resolution was read, and adopted.

ADJOURNMENT.

On motion of Senator McKamy, the Senate, at 5:45 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

ERRATA.

On page 120 of Friday's Journal, under the head of "Reasons for voting," Senator Brachfield's name should have appeared to the signature of same.

Also on page 117, Senator Beaty should be recorded as voting "nay" on the "University amendment by Senator Hicks."

Bothe corrections will be made in the final Journal.

APPENDIX.

COMMITTEE REPORT.

The following committee report was offered:

ENGROSSED BILLS.

Committee Room,
Austin, Texas, April 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 5, A bill to be entitled "An Act making appropriations for the support of the State government for two years beginning September 1, 1903, and ending August 31, 1905, and for other purposes."

And find the same correctly engrossed.

PATTESON, Chairman.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas, Tuesday, April 28, 1903.

Senate met pursuant to adjournment. Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Harbison.
Brachfield.	Harper.
Cain.	Henderson.
Davidson of	Hicks.
DeWitt.	Hill.
Decker.	Lipscomb.
Douglass.	Martin.
Faubion.	Mills.
Faulk.	Morris.
Faust.	Patteson.
Grinnan.	Perkins.
Hale.	Savage.
Hanger.	Sebastian.

Absent.

Davidson of	Stafford.
Galveston.	Willacy.
McKamy.	Wilson.
Paulus.	

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Faulk, the same was dispensed with.

EXCUSED.

On motion of Senator Faust, Senator Harbison was excused for non-attendance upon the Senate on yesterday on account of sickness.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 6, Authorizing the heads of departments and others having possession of State property to loan the same to the World's Fair Commissioners.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.
Morning call concluded.

HOUSE CONCURRENT RESOLUTION
NO. 6.

The Chair laid before the Senate, regular order,

House Concurrent Resolution No. 6, Authorizing the heads of departments and others having possession of State property to loan the same to the World's Fair Commissioners.

On motion of Senator Henderson, the resolution was laid on the table subject to call.

SIMPLE RESOLUTIONS.

Senator Perkins offered the following resolution:

Whereas, The Hon. A. W. Gregg of Palestine, a distinguished citizen of Texas, a member of the Senate of Texas in the Twentieth Legislature and present member of Congress from the Seventh Congressional District of Texas is now visiting the city; therefore, be it

Resolved, That the courtesies of the Senate and the privileges of its chamber be extended to the distinguished visitor during his stay in the city.

The resolution was adopted.

BILLS SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

House Joint Resolution No. 4, Requesting the Governor and the State Superintendent of Public Instruction to confer with the trustees of the Peabody Fund in regard to their publicly announced intention of considering the advisability of concentrating the Peabody Fund for the establishment and maintenance of a teachers' college.

House bill No. 17, "An Act to authorize the city of Austin to enter into certain contracts, and to sell, transfer, or

lease certain of its property, property rights and franchises, in order to secure a more economical and satisfactory water, light and power system for the use of the people of said city."

House bill No. 15, "An Act to create a more efficient road system for Hunt county."

House bill No. 16, "An Act to create a more efficient road system for Rusk county."

House bill No. 9, "An Act authorizing Cooke county to issue bonds for the construction of permanent main roads; regulating the expenditure of the funds arising therefrom, requiring a regular county road superintendent, and applying emergency clause."

Free Conference Committee Substitute bill No. 10, "An Act to create a State Text-Book Board and to procure for use in the public free schools of the State of Texas a series of uniform text-books and exempting cities of ten thousand population or more from the operation of this act; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors; providing for a bond for the faithful performance of the contract, and to cover liquidated damages for fraud or collusion and authorizing the Attorney General to bring suit therefor, and providing penalties for violations of the provisions of this act," and declaring an emergency.

Senate bill No. 11, "An Act to authorize the Governor to purchase lands when needed for public use, and cause to be instituted condemnation proceedings therefor when necessary, in the name of the State, and to provide the procedure for such condemnation proceedings."

House bill No. 14, "An Act to create a more efficient road system for Hopkins county."

SIMPLE RESOLUTION.

Senator Douglass offered the following resolution:

Resolved by the Senate, That the Secretary of the Senate make out at once a list of all bills and resolutions that have been passed by the House and Senate and approved by the Governor, or have become effective without the Governor's approval. Said bills and resolutions to be listed by caption so that the substance of the same may be apparent from the reading of such caption. Be it further

Resolved, That as soon as said list is prepared that the same be printed in the Journal.

[Signed

DOUGLASS,
HICKS.]

The resolution was read and adopted.

RECESS.

On motion of Senator Faubion, the Senate took a recess until 11 o'clock.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

COMMITTEE REPORTS.

The following committee reports were offered:

INTERNAL IMPROVEMENTS.

Committee Room,
Austin, Texas, April 28, 1903.
Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 13, A bill to be entitled "An Act to amend Article 4494, of Chapter 10, of Title XCIV, of the Revised Civil Statutes of 1895, relating to duties and liabilities of railroad corporations,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass with the following amendments:

"Amend the bill by adding to the caption the following: 'And by adding Article 4494a.'"

WILLACY, Acting Chairman.

Committee Room,
Austin, Texas, April 28, 1903.
Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 14, A bill to be entitled "An Act providing penalties for failure in the performance of certain duties required of train dispatchers by Article 4494, Chapter 10, Title XCIV, of the Revised Civil Statutes of 1895, and providing penalties for neglect or failure to perform certain duties required of depot agents by Article 4560c, Chapter 12a, Title XCIV of the Revised Civil Statutes of 1895, relating to duties and liabilities of railroad corporations,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass with the following amendments:

"Amend Senate bill No. 14, by adding after the word '1895,' in line 3 of the caption, the following:

"'As amended by the First Called

Session of the Twenty-eighth Legislature, 1903.'"

"Amend caption further by inserting after the word '1895,' in line 6 of the caption the following:

"'As amended by the Regular Session of the Twenty-eighth Legislature.'"

"Amend Senate bill No. 14, by inserting in line 4, of Section 1, after the word 'act,' the following: 'Of the First Called Session.'"

"Amend Senate bill No. 14, Section 2, line 4, by striking out '4560' and inserting after the word 'Article,' the word '4560c,' and strike out in same line after the word 'title, the figures '104,' and insert in lieu thereof the figures '94.'"

WILLACY, Acting Chairman.

EXECUTIVE MESSAGE.

EXECUTIVE OFFICE,
STATE OF TEXAS.

Austin, Texas, April 28, 1903.

To the Senate.

I ask the advice and consent of the Senate to the appointment of R. Waverly Smith of Galveston county, to be a member of the board of Regents of the State University, vice Frank M. Spencer, resigned.

S. W. T. LANHAM,
Governor.

EXECUTIVE SESSION.

Senator Davidson of DeWitt moved that the Senate go into Executive Session this evening at 3 o'clock for the purpose of considering the above appointment sent in by His Excellency, the Governor.

The motion prevailed unanimously.

HOUSE CONCURRENT RESOLUTION
NO. 6.

Senator Perkins called up House Concurrent Resolution No. 6 from the table, where it lay subject to call.

The Chair laid before the Senate,

House Concurrent Resolution No. 6, Authorizing the heads of departments and others having possession of State property to loan the same to the World's Fair Commissioners.

Senator Savage offered the following amendment:

"Amend the resolution as follows:

"'Provided all such property shall be appraised by said heads of departments and other persons having possession of the State's property, to be filed with the Secretary of State, and that the said World's Fair Commission, before taking

possession of any property specified in this resolution, shall file with the Secretary of State a good and sufficient bond double in amount of the value of the property so appraised, conditioned upon the said property being returned to the State in a reasonable time and in good condition. Said bond to be approved by the Governor of Texas."

Senator Patteson offered the following amendment to the amendment:

"Provided, further, that when said property shall be so delivered that said commissioners shall give a receipt therefor describing the property so received and its value, and showing therein that the same shall be returned to such person so delivering the same or his successor in office at the place the same was so received, and said receipt shall be made in duplicate form, one of which copies shall be kept in such office, and the other to be delivered to the Secretary of State as a record of his office."

Senator Henderson offered the following substitute for the amendment, and the amendment to the amendment:

"Provided, however, that said articles and archives shall be placed in the custody of an agent of the State, the same to be appointed by the Governor, said agent to have entire control and custody of said articles or archives during the time of their absence from the State's Capitol; also, that all expense attached to said removal and return, together with salary and expenses of said custodian shall be paid by said Exposition Commissioners."

(Senator Faulk in the chair.)

Question being on the substitute for the amendment and the amendment, the yeas and nays were demanded and the substitute adopted by the following vote:

Yeas—20.

Beaty.	Harper.
Brachfield.	Henderson.
Davidson of	Hicks.
DeWitt.	Hill.
Douglass.	Lipscomb.
Faubion.	Morris.
Faulk.	Patteson.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Harbison.	

Nays—3.

Cain.	McKamy.
Martin.	
Decker.	Present—Not voting.

Absent.

Davidson of	Hanger.
Galveston.	Mills.

Paulus.
Stafford.

Willacy.
Wilson.

Senator Savage offered the following substitute for the resolution as amended:

Resolved, That the House of Representatives and the Senate of Texas commend the action of the World's Fair Commission for the work they are doing, and while we are forbidden by the Constitution to appropriate money for this purpose, yet as citizens of the State and as a body representing the people, they have our confidence and hearty support.

Senator Perkins made a point of order that the substitute was out of order, that the subject matter in the substitute was not germane to the original resolution.

The Chair (Senator Faulk) sustained the point of order.

COMMITTEE REPORT.

The following committee report was offered:

CONTINGENT EXPENSES.

Committee Room,
Austin, Texas, April 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: We, your Committee on Contingent Expenses, to whom was referred a resolution with reference to purchasing postoffice fixtures for the Senate, beg leave to submit the following attached bid and specifications for such fixtures, for the consideration of the Senate.

WILLACY,
HICKS,
FAUST,
HALE,
HILL.

Austin, Texas, March 4, 1903.

Hon. Marshal Hicks, Chairman of the Committee on Senate Postoffice, City.

DEAR SIR: We propose to erect and construct, complete in every detail, according to plan submitted herewith, a postoffice for the Senate Chamber in the Capitol Building for the State of Texas, in the elevation, as shown by the plan, to be similar in panelling to the wood work in the postoffice in the House of Representatives.

All the wood work, as shown by the drawings, to be of oak finish complete, to correspond with the present finish of the Senate Chamber.

We also propose to furnish lock boxes as follows: 60 No. 3, small size; 16 No. 2, medium size, and 8 No. 1, large size,

nested as shown in drawing, each box to be complete with three keys, the glass panels in front to be numbered as desired and a brass name clip attached to the rear of each box to hold the occupant's name card. Upon the front of the boxes we can place "T. S." or a Texas Star, and leave the front entirely plain, as preferred. There will be 17 inches of brass cornice with one shield, as shown in the drawing, the same to be built §xNo. 12 flat drawn solid brass, all for the sum of four hundred and twenty-five (\$425) dollars. There is no interior furniture included in this estimate.

All of which is respectfully submitted,
FISCHER & LAMBIE.

SIMPLE RESOLUTION.

Senator Douglass offered the following resolution:

Resolved, That the courtesies of the Senate be extended to the Hon. Jack Beall, a former member of this body and at this time a member of Congress from the Fifth Congressional District.

The resolution was read and adopted.

RECESS.

On motion of Senator Davidson of DeWitt the Senate, at 12:20 o' clock p. m. took a recess until 3 o'clock p. m.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

EXECUTIVE SESSION.

The Chair announced that the hour, 3 o'clock, the time for the Senate to go into Executive Session to consider the appointment sent in this morning by His Excellency, the Governor, and accordingly the Senate Chamber was cleared.

IN EXECUTIVE SESSION.

In executive session the following confirmation was had.

R. Waverly Smith of Galveston, to be member of the Board of Regents of the State University.

IN THE SENATE.

SIMPLE RESOLUTION.

Senator Paulus offered the following resolution:

Resolved, That the President of the Senate appoint a committee consisting of five Senators, who shall investigate as

to the advisability and necessity of employing officers and employees to be retained after adjournment, and recommend those to be employed and to specify their duties, number of days they are to be retained and amount to be paid them for their services.

[Signed

PAULUS,
HALE.]

The resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 6.—PENDING BUSINESS.

Question being on the adoption of the resolution as amended,

Senator Savage moved to postpone consideration of the resolution indefinitely.

Senator Perkins moved to table the motion to postpone.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—7.

Beaty.	Hill.
Decker.	Lipscomb.
Faubion.	Perkins.
Harper.	

Nays—14.

Brachfield.	Hale.
Cain.	Harbison.
Davidson of	Henderson.
DeWitt.	McKamy.
Douglass.	Patteson.
Faulk.	Savage.
Faust.	Sebastian.
Grinnan.	

Absent.

Davidson of	Morris.
Galveston.	Paulus.
Hanger.	Stafford.
Hicks.	Willacy.
Martin.	Wilson.
Mills.	

Question then being on the motion to postpone indefinitely, the same prevailed by the following vote:

Yeas—15.

Brachfield.	Harper.
Cain.	Henderson.
Davidson of	Hill.
DeWitt.	Martin.
Faulk.	McKamy.
Grinnan.	Patteson.
Hale.	Savage.
Harbison.	Sebastian.

Nays—8.

Beaty.	Faust.
Decker.	Hicks.
Douglass.	Lipscomb.
Faubion.	Perkins.

Absent.

Davidson of	Paulus.
Galveston.	Stafford.
Hanger.	Willacy.
Mills.	Wilson.
Morris.	

Senator Henderson moved to reconsider the vote by which the motion to postpone prevailed, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Sebastian, the Senate, at 3:15 p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

COMMITTEE REPORTS.

The following committee reports were offered:

ENROLLED BILLS.

Committee Room,
Austin, Texas, April 28, 1903.
Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 11, "An Act to authorize the Governor to purchase lands when needed for public use and cause to be instituted condemnation proceedings therefor when necessary, in the name of the State, and to provide the procedure for such condemnation proceedings,"

And find the same correctly enrolled, and have this day, at 11:40 o'clock a. m., presented same to the Governor for his approval.

HALE, Chairman.

Committee Room,
Austin, Texas, April 28, 1903.
Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Free Conference Committee Substitute bill No. 10, "An Act to create a State Text-Book Board and to procure for use in the public free schools of the State of Texas a series of uniform text-books, and exempting cities of ten thousand population or more from the operation of this act; defining the duties of certain offi-

cers therein named; making an appropriation therefor; defining certain misdemeanors; providing for a bond for the faithful performance of the contract and to cover liquidated damages for fraud or collusion, and authorizing the Attorney General to bring suit therefor, and providing penalties for violations of the provisions of this act, and declaring an emergency,"

And find the same correctly enrolled, and have this day, at 11:40 o'clock a. m., presented same to the Governor for his approval.

HALE, Chairman.

EIGHTEENTH DAY.

Senate Chamber,
Austin, Tex., Wednesday, April 29, 1903.

Senate met pursuant to adjournment.

Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Douglass.	Mills.
Faubion.	Morris.
Faulk.	Patteson.
Faust.	Paulus.
Grinnan.	Perkins.
Hale.	Sebastian.
Hanger.	Willacy.
Harbison.	Wilson.

Absent.

Decker.	Stafford.
Savage.	

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Faulk, the same was dispensed with.

Morning call concluded.

BILLS SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

House bill No. 3, "An Act to provide for the retirement of certain bonds of the State of Texas, maturing the first day of January, 1904, by issuing other bonds at a lower rate of interest in lieu